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APPLICATION NO. FI		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,320	20 03/01/2004		Huei-Hsin Sun	NS132-65 (15737/277)	9000
23595	7590	01/25/2006		EXAMINER	
NIKOLAI 900 SECON		EREAU, P.A. JE SOUTH	TSO, EDWARD H		
SUITE 820	~	<i>3</i> 2 <i>3</i> 0 <i>3</i> 11.	ART UNIT	PAPER NUMBER	
MINNEAPO	DLIS, MN	55402	2838		

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applica	tion No.	Applicant(s)					
Office Action Summary			320	SUN, HUEI-HSIN					
			er	Art Unit					
		Edward	H. Tso	2838					
Period fo	The MAILING DATE of this commun or Reply	ication appears on ti	he cover sheet w	ith the correspondence ad	dress				
WHIC - Exte after - If NO - Failu Any	ORTENED STATUTORY PERIOD F CHEVER IS LONGER, FROM THE M nsions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this comm of period for reply is specified above, the maximum st ire to reply within the set or extended period for reply reply received by the Office later than three months a ed patent term adjustment. See 37 CFR 1.704(b).	IAILING DATE OF T of 37 CFR 1.136(a). In no enunication. atutory period will apply and will, by statute, cause the ap	THIS COMMUNI event, however, may a will expire SIX (6) MON opplication to become Al	CATION. reply be timely filed  VTHS from the mailing date of this or BANDONED (35 U.S.C. § 133).					
Status									
1)	Responsive to communication(s) file	ed on .							
2a)□									
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
Disposit	ion of Claims								
4)⊠	4)⊠ Claim(s) <u>1-10</u> is/are pending in the application.								
	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)	Claim(s) is/are allowed.								
6)⊠	Claim(s) <u>1-10</u> is/are rejected.								
7)	Claim(s) is/are objected to.								
8)[_]	8) Claim(s) are subject to restriction and/or election requirement.								
Applicat	ion Papers								
9)	The specification is objected to by th	e Examiner.							
10)[	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
_	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority (	ınder 35 U.S.C. § 119								
	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.								
	<ul> <li>Certified copies of the priority</li> <li>Copies of the certified copies application from the Internation</li> </ul>	of the priority docun nal Bureau (PCT Ru	nents have been ule 17.2(a)).	received in this National	Stage				
* (	See the attached detailed Office actio	on for a list of the cer	tilled copies not	received.					
Attachmer			_						
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (F	PTO-948)		Summary (PTO-413) s)/Mail Date					
3) 🛛 Infor	mation Disclosure Statement(s) (PTO-1449 or er No(s)/Mail Date <u>3/1/04</u> .			nformal Patent Application (PTC	<b>)</b> -152)				
C Datast and 1					<del></del>				

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#### **DETAILED ACTION**

#### Information Disclosure Statement

The IDS filed 3/1/04 has been considered and placed of record. An initialed copy is attached herewith.

### Specification

The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

### **Drawings**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "cellular phone" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (US 5,872,744). The reference discloses a wrist-carrying device 16 having an arcuate recess for housing a plurality of lithium polymer batteries wherein the batteries are curved to conform to the bracelet of the device 16. The device is a bracelet, a watch or a cellular-type phone. See figure 1. column 2, line 23; column 3, line 60.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold (US 5,970,718). The reference discloses a wrist-carrying device having a polymer thin cell battery 15 conform to the curvature of the bracelet. See figure 4.

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## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold (US 5,970,718) in view of Taylor (US 5,872,744). Arnold does not disclose the wrist-carrying device being a watch and/or a cellular phone. However any type of portable device maybe incorporated into a wrist-carrying device including a watch and/or cell phone as exemplified by Taylor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have put a watch and/or a phone onto a wrist-carrying device, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

#### Conclusion

Any inquiry concerning this communication should be directed to the Examiner at the below-listed number on every Tuesday, Thursday and Saturday.

By:

EDWARD H TSO Primary Examiner (571) 272-2087